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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,176	10/30/2003	Oh-Kee Kwon	3364P149	1024
8791	7590	09/30/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			FINNEREN, RORY B	
			ART UNIT	PAPER NUMBER
			2828	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,176	Applicant(s) KWON ET AL.	
	Examiner Rory Finneren	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/03 1/31/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

Figures 4, 5, 6, and 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 6 are objected to because of the following informalities: For consistency, in the second line of each claim, the word "beams" should appear after "light". Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the fiber" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the fiber" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by Hoose (US 20020146054 A1).

With respect to claim 1, Hoose teaches the claimed tunable wavelength semiconductor laser diode comprising the claimed laser diode array (Fig. 1, #12a, 12b, 12c; paragraph [0034]), the claimed combiner (Fig. 1, #23; paragraph [0035], line 2), the claimed lens (Fig. 1, #16; paragraph [0029], line 4), the claimed grating (Fig. 1, #14, #21; paragraph [0035], line 5), and the claimed reflector (Abstract, line 4).

As to claim 2, Hoose teaches a laser diode including a multi-channel FP laser diode array (Paragraph [0020]).

Regarding claim 3, Hoose teaches that the combiner has an optical waveguide configuration (Paragraph [0035], lines 13-14).

With respect to claim 6, Hoose teaches the claimed tunable wavelength semiconductor laser diode comprising the claimed multi-channel diode array (Fig. 12a, 12b, 12c), the claimed AWG (array waveguide grating) (Paragraph [0016]), the claimed

collimating lens (Fig. 1, #16), the claimed grating (Fig. 1, #21), and the claimed reflector (Abstract, line 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hoose in view of Missey (US 20020064192 A1).

As to claim 4, Hoose teaches the invention set forth above except for the wavelength of the light beam output to the fiber being controlled by an arrangement interval of the laser diode array. Missey teaches that the wavelength of the light beam output to the fiber is controlled by an arrangement interval of the laser diode array (Paragraph [0011]). It would have been obvious to one skilled in the art at the time of the invention to modify the teaching of Hoose so that the wavelength of the light beam output to the fiber is controlled by an arrangement interval of the laser diode array for the purpose of tuning the output of the laser diode without changing the focal length of the lens.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Hoose in view of Zhiglinsky (US 5428635 A).

Regarding claim 5, Hoose teaches the invention set forth above except for a wavelength of the light beam output to the fiber being controlled by a focal length of the lens. Zhiglinsky teaches a wavelength of the light beam output to the fiber being controlled by a focal length of the lens (Col. 10, line 61 to Col. 11 line 15). It would have been obvious to one skilled in the art at the time of the invention to modify the teaching of Hoose so that a wavelength of the beam is controlled by a focal length of the lens for the purpose of tuning the output of the laser diode without changing the arrangement of the laser diode array.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rory Finneren whose telephone number is (571) 272-2243. The examiner can normally be reached on Mon. - Fri. 8:30 am - 5:00 pm.

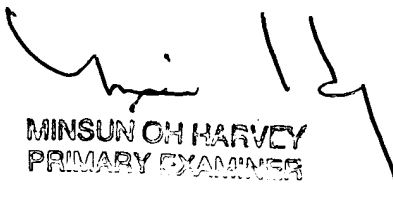
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Oh Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MINSUN OH HARVEY
PRIMARY EXAMINER